

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C.
§ 2412(d)**

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
2 subject to the approval of the Court, that Plaintiff Tracy Lynn Rinear be awarded attorney fees in the
3 amount of six thousand nine hundred fifty-three dollars and nineteen cents (\$6,953.19) under the
4 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). No costs are sought under 28 U.S.C. §
5 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by
6 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
8 matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*,
9 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
10 depend on whether the fees are subject to any offset allowed under the United States Department of
11 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
14 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and
15 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff.
16 Any payments made shall be delivered to Olinsky Law Group. Any payment of costs may be made
17 either by electronic fund transfer (EFT) or by check.

18 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
19 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
20 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
21 all claims that Plaintiff and/or Olinsky Law Group and Hal Taylor may have relating to EAJA attorney
22 fees in connection with this action.

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1 This award is without prejudice to the rights of Hal Taylor and/or Olinsky Law Group to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
3 the EAJA.

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6 Dated: June 21, 2022

Respectfully submitted,

7 OF COUNSEL, OLINSKY LAW GROUP

8 /s/ Hal Taylor
9 HAL TAYLOR
Attorney for Plaintiff

10
11 Dated: June 21, 2022

Respectfully submitted,

12 CHRISTOPHER CHIOU
13 Acting United States Attorney
District of Nevada
14 Nevada Bar No. 14853

15 ALLISON J. CHEUNG, CSBN 244651
16 Special Assistant United States Attorney
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18 *(as authorized by email on June 21, 2022)*
E-Mail: allison.cheung@ssa.gov

19 Attorneys for Defendant
20

21 IT IS SO ORDERED:

22 
23 HON. BRENDA WEKSLER
24 UNITED STATES MAGISTRATE JUDGE

25 DATED: June 22, 2022
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CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 250 South Clinton Street, Syracuse, NY 13202. On the date set forth below, I caused service of **STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Allison J. Cheung
allison.cheung@ssa.gov
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 21, 2022

/s/ Hal Taylor
HAL TAYLOR
Attorney for Plaintiff
Of Counsel, Olinsky Law Group